

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2786 of 2007

Date of Decision: 23-02-2007

Bijender Singh son of Shri Sita Ram, Constable No.430/SSR, Dogran Mohalla, Subzi Mandi, Hisar.

....Petitioner

Versus

1. The State of Haryana through Secretary to Government of Haryana, Home Department, Chandigarh.
2. The Director General of Police Haryana, Panchkula.
3. Inspector General of Police, Hisar Range Hisar.
4. Superintendent of Police Hisar.
5. District Inspector Police-cum-Enquiry Officer, Hisar, District Hisar.

....Respondents

Coram: **Hon'ble Mr.Justice Ashutosh Mohunta**
Hon'ble Mr.Justice R.S.Madan

Present: Mr.Mani Ram Verma, Advocate
for the petitioner.

R.S.Madan, J.

In brief the facts of the case are that the petitioner was appointed as Constable on 15-12-1989. It was on 23-4-2001 that the petitioner and Dharambir Singh, Constable No.1288/HSR put Charpai on fire due to which Charpai and bedding were burnt and they caused damage to the fan in the barrack in the building of Police Lines, Hisar. On 3-5-2001 a case no.413 under Sections 436/34 of the Indian Penal Code and under

Sections 3 & 4 of Public Property Act, 1954 was registered in Police Station Sadar, Hisar against them. The petitioner was charge-sheeted and an inquiry was initiated against them. On 14-9-2002, the Inquiry Report was submitted and petitioner was found responsible for the incident of putting the Charpai on fire. A show cause notice was issued to the petitioner on 02-12-2002 and it was on 20-12-2002, the Superintendent of Police after considering his reply to the show cause notice, stopped the two future increments with permanent effect.

Aggrieved by the same, he filed an appeal, which was dismissed on 10-2-2004. Further Revision Petition was also dismissed on 16-6-2004 by the Director General of Police. On 23-2-2005, memorial submitted by the petitioner before the Financial Commissioner and Principal Secretary to Government of Haryana was also rejected. It is pertinent to mention here that on 10-7-2003, he was acquitted in the criminal case registered against him by the Court of the learned Additional Sessions Judge, Hisar under Sections 436/34 of the Indian Penal Code and under Sections 3 & 4 of Public Property Act. The petitioner now challenged the action of Authorities, Annexures P2 to P5, being wrong, illegal and unjust, which led to the filing of the present writ petition.

Learned counsel for the petitioner contended that after securing the order of acquittal from the Court of the learned Additional Sessions Judge, Hisar, the departmental proceedings initiated against him were to be dropped as the allegations in criminal case and departmental proceedings were the same and once he was acquitted, the department could not have punished him under the departmental proceedings.

The contention of the learned counsel has no force for the reasons that the departmental proceedings and criminal proceedings are two different independent proceedings.

It is pertinent to mention here that the departmental proceedings were initiated and disposed of by the competent Authority on 20-12-2002 i.e. prior to the date of acquittal. At that time, the Superintendent of Police found sufficient material on the record to punish the petitioner with stoppage of two future increments with permanent effect. This matter was even brought to the notice of the Appellate Authority but the subsequent event of acquittal did not find favour with the Appellate Authority in appeal. The Financial Commissioner and Principal Secretary to Government of Haryana, Home Department also rejected the claim of the petitioner in memorial.

We have gone through Annexures P2 to P5 and did not find any infirmity in them. Hence, there is no merit in the writ petition, which is hereby dismissed.

(R S MADAN)
JUDGE

February 23, 2007
jt

(ASHUTOSH MOHUNTA)
JUDGE